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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,254	03/13/2001	Hershel Alan Kleinberg		9119

7590 06/29/2004  
Hershel A. Kleinberg  
5240 Brawner Place  
Alexandria, VA 22304

EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/804,254

Applicant(s)

KLEINBERG, HERSHEL ALAN

Examiner

Matthew s Gart

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-8, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wizig U.S. Patent No. 6,735,569.**

Referring to claim 1. Wizig discloses a method of electronic commerce and information distribution across a computer network comprising the steps of:

- Providing product information on a first computer-implemented interface (column 6, lines 4-14: "Generally, the configuration allows the central server **200** to aggregate information about participating healthcare service providers and sponsored healthcare benefit plans, and to provide the information to the user **110** for selecting and customizing a healthcare services package.");
- Receiving a query regarding said product information across said computer network (Figure 26 through Figure 33);
- Associating said query with said first computer-implemented interface (Figure 26 through Figure 33);
- Associating said query with user information (Figure 26 through Figure 33);

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- Communicating said query to a second computer-implemented interface across said computer network (Figure 26 through Figure 33);
- Storing said user information and said association with said first computer-implemented interface (Figure 26 through Figure 33); and
- Responding to said query (Figure 26 through Figure 33).

Referring to claim 2. Wizig further discloses a method wherein said first and second computer-implemented interfaces are world wide web pages on one or more world wide web servers and said computer network is the internet (Figure 1).

Referring to claim 3. Wizig further discloses a method wherein said step of associating said query with said first computer-implemented interface generates a cookie (column 7, line 58 to column 8, line 7).

Referring to claim 4. Wizig further discloses a method wherein said step of communicating said query to a second computer-implemented interface across said computer network generates a cookie (column 7, line 58 to column 8, line 7).

Referring to claim 5. Wizig further discloses a method wherein said step of communicating said query to a second computer-implemented interface across said computer network generates a cookie (column 7, line 58 to column 8, line 7).

Referring to claim 6. Wizig further discloses a method wherein said user information includes information sufficient to identify which products the user can legally purchase through said first computer-implemented interface (column 8, lines 25-58).

Referring to claim 7. Wizig further discloses a method wherein said user information includes information sufficient to identify which products the user can legally purchase through said second computer-implemented interface.

Referring to claim 8. Wizig further discloses a method wherein first computer-implemented interface is a co-branded World Wide Web pages associated with said second computer-implemented interface (abstract).

Referring to claim 10. Wizig further discloses a method wherein said step of responding to said query comprises the sub-steps of:

- Evaluating said user information (Figure 26 through Figure 33); and
- Providing additional product information on said second computer-implemented interface (Figure 26 through Figure 33).

Referring to claim 12. Wizig further discloses a method wherein said step of responding to said query comprises the sub-steps of:

- Evaluating said user information (Figure 26 through Figure 33);
- Evaluating said first computer-implemented interface (Figure 26 through Figure 33); and
- Providing additional product information on said computer-implemented interface wherein said additional product information is based on said evaluation of said user information and said evaluation of said first computer-implemented interface (Figure 26 through Figure 33).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 9, 11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wizig U.S. Patent No. 6,735,569 in view of Wong U.S. Patent No. 6,115,690.**

Referring to claim 9. Wizig discloses a method according to claim 2 as indicated supra. Wizig does not expressly disclose a method wherein said step of communicating said query to a second computer-implemented interface across said computer network generates a referral fee. Wong discloses a method wherein said step of communicating said query to a second computer-implemented interface across said computer network generates a referral fee (Wong: claim 24 and claim 25). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Wizig to have included the limitations of Wong as discussed above in order to allow for the integration and time-scale compression of what have been largely independent, human-dependent business processes (Wong: column 5, line 56 to column 6, line 7).

Referring to claim 11. Wizig discloses a method according to claim 10 as indicated supra. Wong discloses a method wherein said step of responding to said query further comprises the sub-steps of:

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- Determining whether said user has made a previous query within a predetermined time (Wong: column 14, lines 29-41); and
- Identifying the computer-implemented interface from which each said previous query within a predetermined time was communicated (Wong: column 14, lines 29-41); and
- Determining a referral fee (Wong: claim 24 and claim 25).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Wizig to have included the limitations of Wong as discussed above in order to allow for the integration and time-scale compression of what have been largely independent, human-dependent business processes (Wong: column 5, line 56 to column 6, line 7).

Referring to claim 13 through 20. Claims 13 through 20 are rejected under the same rationale as set forth above in claims 1-12. The Examiner notes, Wizig does not disclose a computer-implemented method for on-line distribution of insurance services. Wong discloses a computer-implemented method for on-line distribution of insurance services. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Wizig to have included the limitations of Wong as discussed above because Web commerce allows business to move much quicker, without the burden and cost of paperwork (Wong: column , lines 14-20).

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### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Wren, U.S. Patent No. 6,055,514, April 25, 2000, discloses a system for marketing foods and services utilizing computerized central and remote facilities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG  
June 23, 2004

  
Jeffrey A. Smith  
Primary Examiner